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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-third session

SUMMARY RECORD OF THE 579th MEETING

Held at the Vienna International Centre, Vienna,
on Tuesday, 5 April 1994, at 4.10 p.m.

Chairman: Mr. MIKULKA (Czech Republic)

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The meeting was called to order at 4.10 p.m.

ORGANIZATION OF THE SUBCOMMITTEE'S WORK

1. Mr. MARÍA CURIA (Argentina) said it was regrettable that the Subcommittee had not had time for an exchange of views on whether or not to rotate the venues of its sessions. His delegation had raised the question at the start of the current session (A/AC.105/C.2/SR.574, para. 27) and continued to feel that it would have been useful to adopt a proposal on the matter for the June 1994 session of the Committee on the Peaceful Uses of Outer Space.

2. Mr. REY CORDOBA (Colombia) endorsed those comments.

ADOPTION OF THE REPORT OF THE LEGAL SUBCOMMITTEE (A/AC.105/C.2/L.195 and Add.1-4)

A/AC.105/C.2/L.195

Paragraphs 1 and 2

3. Paragraphs 1 and 2 were adopted.

Paragraph 3

4. Mr. de YTURRIAGA (Spain) recalled that, at the first meeting of the session, a number of delegations, including those of Canada and Colombia, had suggested that the current session should be shortened. Many delegations had supported that suggestion, and he himself had expressed the idea that the session could perhaps be concluded by 31 March 1994. That discussion was not reflected in the draft report, and he suggested that the omission should be rectified.

5. Mr. McRAE (Canada) agreed that the discussion should be reflected in the report. A number of speakers had indicated that the length of the Subcommittee's current session was a cause for concern, and their comments were reflected in the summary record (A/AC.105/C.2/SR.572). The paragraph under discussion was perhaps not the most appropriate place for them to be reflected in the report, however: paragraph 3 of document A/AC.105/C.2/L.195/Add.3 might be a more suitable place.

6. Mr. de YTURRIAGA (Spain) supported the idea of amending document A/AC.105/C.2/L.195/Add.3; however, he thought that the paragraph under discussion should also be modified.

7. Mr. REY CORDOBA (Colombia) said that what he had in fact suggested at the 572nd meeting was that the possibility of ending the current session before the scheduled date might be kept in mind as the Subcommittee progressed with its work (A/AC.105/C.2/572, para. 19).

8. Mr. TELLES RIBEIRO (Brazil) said that, if the report was to reflect the Subcommittee's discussion about ending its current session ahead of schedule, it should also reflect the position of his delegation and others that, while reductions of the duration of sessions were not to be opposed in principle, they should be considered very carefully in order to avoid any negative impact

on the work of the Subcommittee, especially now that that work was beginning to acquire momentum.

9. The CHAIRMAN suggested that paragraph 3 should be adopted on the understanding that the points raised could be covered in the report at a later point.

10. It was so agreed.

Paragraph 4

11. The CHAIRMAN said that the name "Sudan" should be inserted between "Spain" and "Sweden".

12. It was so agreed.

13. The paragraph, as amended, was adopted.

Paragraphs 5 to 11

14. Paragraphs 5 to 11 were adopted.

A/AC.105/C.2/L.195/Add.3

Paragraphs 1 and 2

15. Paragraphs 1 and 2 were adopted.

New paragraph 2 bis

16. Mr. de YTURRIAGA (Spain) proposed the addition of a new paragraph 2 bis so as to reflect comments made by the Spanish, Canadian and Colombian delegations; the latter part should also meet the concerns expressed by the delegate of Brazil. The text should read as follows:

> "Several delegations noted that the programme of work could be completed in less time than had been planned and suggested that, in view of the suspension of work for four days over the Easter holidays, the session should conclude on 31 March, without this necessarily constituting a precedent for future sessions."

17. In reply to a query from Mr. ABARRY (Niger), the CHAIRMAN explained that the Spanish proposal reflected comments made during the discussions, whereas paragraph 4 referred to a decision taken subequently by the Subcommittee.

18. Following some further discussion, the CHAIRMAN said that, if he heard no objection, he would take it that the Subcommittee wished to adopt the new paragraph 2 bis read out by the representative of Spain.

19. It was so decided.

20. New paragraph 2 bis was adopted.

Paragraph 3

21. Mr. McRAE (Canada) noted that paragraph 3 discussed the future organization of the work of the Subcommittee. It might be appropriate to include in the paragraph a recommendation that the duration of the thirty-fourth session should be limited to two weeks.

22. Mr. TELLES RIBEIRO (Brazil) said that, to his recollection, the suggestions made at the first meeting of the session had concerned the current session only. He could not support the Canadian proposal and stressed the importance of following at future sessions the same flexible working arrangements as had been adopted at the current session.

23. Mr. MARÍA CURIA (Argentina) endorsed the Brazilian delegate's remarks.

24. Mr. McRAE (Canada) said that his delegation had consistently held that the meeting time allotted to the Subcommittee was longer than necessary. It was inconvenient for delegations when a decision to shorten a session was taken only during the course of the session. He thought it should be possible, on the basis of experience, to recognize that three weeks was unnecessarily long for a session. Otherwise, his delegation considered that it should be left to the Committee on the Peaceful Uses of Outer Space to decide on the organization of the future work of the Subcommittee.

25. The CHAIRMAN explained that the main purpose of paragraph 3 was to give guidance to the Secretariat, so that it could draft the provisional agenda for the forthcoming session on the basis of the flexible working arrangements and rationalization measures adopted at the current session. The matter of the duration of sessions was not within the competence of the Subcommittee.

26. Mr. REY CORDOBA (Colombia) supported the Brazilian representative's remarks and said that suggestions to shorten the current session had been made to take into account special circumstances and requirements. It might well have proved desirable to use the full time allotted. He was therefore not in favour of the Canadian proposal.

27. Mr. TOOTH (Australia) said that, while he appreciated the arguments put forward by previous speakers, he strongly supported the Canadian proposal. His delegation regretted the fact that the session had been scheduled over the Easter break and the substantial costs that that had entailed.

28. Mr. MATELA (Poland) shared the concerns voiced by the delegates of Canada and Australia. However, in the light of the Chairman's clarifications and with a view to consensus, he suggested that paragraph 3 should be amended to read:

> "The Subcommittee was of the opinion that a similar flexible organization of work as agreed upon at the current session might again serve as the basis for organizing the work of the Subcommittee's thirty-fourth session."

29. Mr. TELLES RIBEIRO (Brazil) supported that proposal.

30. Mr. MARÍA CURIA (Argentina) said that he supported the addition of the word "flexible" but not the other changes suggested by the representative of Poland.

31. Mr. McRAE (Canada) said that, since the Subcommittee was clearly unable at that juncture to take a consensus decision in favour of shortening the length of the session, his delegation would raise the matter in the Committee on the Peaceful Uses of Outer Space. He could accept the Polish proposal; his delegation's point was that the Subcommittee should have decided at the opening meeting to shorten its current session.

32. The CHAIRMAN asked whether the Subcommittee could adopt the paragraph as it stood with the addition of the word "flexible" before the word "organization".

33. It was so decided.

34. Paragraph 3, as amended, was adopted.

Paragraph 4

35. Paragraph 4 was adopted.

New paragraph 4 bis

36. The CHAIRMAN suggested the insertion of the following new paragraph 4 bis:

> "The Subcommittee agreed that, in view of the recommendation to suspend for one year the work of its Working Group on agenda item 3 as contained in paragraph ... of the report of the Chairman of that Working Group (see annex 1), an additional measure concerning organization of work could be adopted for the Subcommittee's next session as follows:
>
> (a) At the 1995 session, less time should be allocated for the consideration of item 3, as compared to the time allocated to each of the agenda items 4 and 5;
>
> (b) The recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee, on a permanent basis, should rotate each year the order of consideration of substantive agenda items (A/45/20, paragraph 143) should be suspended for the 1995 session, and the substantive agenda items should be considered at that session in the same order as in 1994 (item 4, item 5 and item 3).
>
> The adoption of the above measure is without prejudice to the positions of various delegations concerning the duration of the Subcommittee's sessions."

37. New paragraph 4 bis was adopted.

Paragraph 5

38. Paragraph 5 was adopted.

Paragraph 6

39. Ms. GRÄFIN von ROEDERN (Germany) proposed that the words "those delegations" in the fourth line of the paragraph should be changed to read "some delegations".

40. It was so decided.

41. Mr. YOUNG (United Kingdom) proposed that the following sentence should be added at the end of the paragraph:

"Other delegations expressed the view that the Scientific and Technical Subcommittee needed to be given sufficient opportunity adequately to assess the problem of space debris before the issue could be considered by the Legal Subcommittee."

42. It was so decided.

43. Following a proposal by Mr. TELLES RIBEIRO (Brazil), amended by Mr. de YTURRIAGA (Spain), the CHAIRMAN said that, if he heard no objection, he would take it that the Subcommittee wished to add the following additional sentence at the end of paragraph 6:

"Other delegations expressed the view that the Subcommittee could examine the convenience of making arrangements for a seminar on possible legal implications of the existence of space debris in the geostationary orbit."

44. It was so decided.

45. Paragraph 6, as amended, was adopted.

Paragraph 7

46. Paragraph 7 was adopted.

Paragraphs 8 and 9

47. Paragraphs 8 and 9 were adopted.

A/AC.105/C.2/L.195/Add.4

Paragraphs 1 to 7

48. Paragraphs 1 to 7 were adopted.

New paragraph 7 bis

49. The CHAIRMAN suggested the insertion of the following new paragraph 7 bis:

"The Subcommittee, in particular, took note of the recommendation of the Working Group concerning the proposed suspension of its work in 1995, as contained in paragraph ... of the report of the Chairman of the Working Group."

50. New paragraph 7 bis was adopted.

A/AC.105/C.2/L.195/Add.1

Paragraphs 1 to 7

51. Paragraphs 1 to 7 were adopted.

A/AC.105/C.2/L.195/Add.2

Paragraphs 1 to 3

52. Paragraphs 1 to 3 were adopted.

Paragraph 4

53. Mr. LOUET (France) considered that mention should be made of the fact that some delegations had reservations on the working document that the Subcommittee had had before it.

54. Mr. TELLES RIBEIRO (Brazil) said that the reservations of the French delegation would be clear from the summary records. If the report were to mention those reservations it would also have to refer to the views of the delegations that were in favour of the working paper. In the interests of brevity, he proposed that the matter should not be reopened in the report.

55. The CHAIRMAN said that it was legitimate for a delegation to ask for its views to be reflected in the report. He suggested that paragraph 4 should be adopted and a new paragraph added to cover the point raised by the French representative.

56. Paragraph 4 was adopted.

Proposed new paragraph

57. Mr. LOUET (France), supported by Ms. MALZAHN (United States of America), proposed that the following new paragraph should be added in order to take account of the views of some delegations:

> "Some delegations expressed reservations with respect to working paper A/AC.105/C.2/L.182/Rev.1."

58. The proposed new paragraph was adopted.

Additional proposed new paragraph

59. Mr. RAMA RAO (India), supported by Mr. TELLES RIBEIRO (Brazil) and Ms. YANG XIUJU (China), proposed that the following additional new paragraph should be added:

> "Some other delegations expressed the view that the working paper presented a good and viable basis for consideration of this item on outer space benefits taking into particular account the needs of developing countries."

60. The additional proposed new paragraph was adopted.

61. Mr. de YTURRIAGA (Spain) suggested that the two proposed new paragraphs should be inserted immediately before paragraph 4, since that would give a more logical sequence.

62. It was so decided.

Paragraphs 5 and 6

63. Paragraphs 5 and 6 were adopted.

64. Document A/AC.105/C.2/L.195/Add.2, as amended, was adopted.

65. The report of the Subcommittee, as a whole, as amended, was adopted.

CLOSURE OF THE SESSION

66. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 6 p.m.